

REMARKS

Amended Claims 2-22 are pending in the Application.

Claim 2 is canceled without prejudice or disclaimer. The limitations of Claim 2 are incorporated into amended Claim 3 written into independent form to put Claim 3 in condition for allowance.

Claim 7 has been amended to correctly depend from amended Claim 3.

Claim 10 has been amended to add the limitation of the first location feature to put Claim 10 in condition for allowance.

Claim 13 has been amended to add the limitation of the first golf glove now recited in amended Claim 3.

Claim 14 has been amended to have a consistent antecedent basis with amended Claim 13 from which it depends

Claims 2-22 stand rejected.

I. RESPONSE TO NOVEMBER 1, 2004

On May 9, 2005, Applicant responded to the Office Action having a mailing date of November 10, 2004 (the "Office Action") by submitting an Amendment Under 37 C.F.R. § 1.111 (the "May 9, 2005 1.111 Amendment"). The Patent Office thereafter issued a Notice of Non-Compliant Amendment (the "PTO Notice") on May 25, 2005 based upon the grounds that Applicant did not list claim 1 of the Application when amending the claims. To avoid any confusion, Applicant is submitting this response and including the amendments and remarks made in its May 9, 2005 1.111 Amendment. Accordingly, this Revised 1.111 Amendment shall address all issues raised in the Office Action and PTO Notice.

II. EXAMINER'S INTERVIEW

The Applicant had a telephone interview with Examiner Nini Legesse on May 5, 2005. The Applicant wants to thank the Examiner for taking the time on short notice to discuss what the Applicant considers differences between the present invention and the prior art reference *Odom*.

The Applicant first reiterated *Odom's* assertion and the Examiner's concurrence that the golf gloves of *Odom* (in the embodiment of Figs. 1-4) are mirror images in that both gloves have the same features in the same locations. This is important because it helps in understanding the relationship between elements as stated by the Examiner and as taught by *Odom*.

The first issue that was discussed was the location feature recited in Claim 3. The Examiner believes that attachment element 28 of *Odom* is the location feature recited in Claim 3. The Applicant pointed out that attachment element 28 has two different functions depending on which glove one is discussing. Element 28 on the first glove (that grasps the golf club) engages elements 26a, 30 and 32 also on the first hand. However, element 28 on the second hand overlaying the first hand engages attachment strip 34 on the glove on the first hand. It is agreed that element 28 has the same position regardless of which glove (right or left) is considered. The Applicant discussed the fact that there is no equivalent element 28 in the present invention that engages attachments 26a on the little finger, element 32 on the index finger, and element 30 on the middle finger. In this respect *Odom* and the present invention have different elements in different locations.

Regarding Claim 3, the Examiner considers element 28 on the left hand glove (for a right handed golfer) to be the location feature recited in Claim 3. The Applicant stated his belief that when golf club 40 is gripped with golf gloves 10 and 10' of *Odom* and attachment elements 26a, 30, and 32 engage element 28 on the left hand glove, element 28 does not come in contact with the shaft of golf club 40 and thus cannot serve as the location element recited in Claim 3. If element 28 on the left

hand glove contacts the shaft of golf club 40, then attachments 26a, 30, and 32 cannot engage element 28 as asserted by *Odom*. Therefore, the Applicant stated his belief that element 28 is not a location element as recited in Claims 3.

Next the Applicant related that the third attachment feature of the present invention is positioned on a glove surface above and adjacent to a top surface of the index finger. Examiner asked if this is illustrated in Fig. 3 of the present invention and the Applicant concurred that it is the case. In contrast, the Applicant pointed out that element 36 (which the Examiner states is considered the third attachment feature) is positioned to extend along the back side of the junction of the first and second (middle) finger and along the back of the middle finger. The Applicant stated his belief that the third attachment feature and element of 36 of *Odom* do not have the same physical shape or placement.

Applicant related that the fourth attachment feature of the present invention is positioned on the glove surface above and adjacent to a palm surface of the little finger. Examiner asked if this is illustrated in Fig. 2 of the present invention and the Applicant concurred it was the case. In contrast, the Applicant pointed out that element 26a of *Odom* (which the Examiner states is considered the fourth attachment feature) is positioned adjacent the outer ends and preferably around the ends of the little finger. The fourth attachment element of the present invention would not engage element 28 as taught by *Odom*. The Applicant stated his belief that the fourth attachment feature and element of 26a of *Odom* do not have the same physical shape or placement.

The Applicant next stated that the fifth attachment element of the present invention is on a modified grip of a golf club and is configured to selectively couple to the first location feature recited in Claim 3. The Applicant re-stated his belief that if element 28 of *Odom* is to be considered as the location feature of Claim 3, then it does not touch golf club 40 and thus could not engage to the fifth attachment feature of Claim 9. The Applicant further stated that the embodiments in Figs 5 and 6, cited by the Examiner, only show one glove, which does not have an element 28 and does

not have any elements of the same shape and position as recited in Claims 3-9 of the present invention. The Applicant pointed out that *Odom* states that the embodiment of Figs. 5 and 6 are designed to lock the gloves to a modified golf club shaft without any mention locating the palm the hand to the golf club. In fact, *Odom* states that the embodiments of Figs. 5 and 6 may be used for different sports and work suggesting that they are not directed to the specific requirements of gripping a golf club correctly and thus teaching away from the present invention.

The Applicant thanked the Examiner for taking the time to discuss the differences in the cited prior art and the present invention. The Examiner stated that she would consider the Applicant's arguments when reviewing the response.

III. REJECTION UNDER 35 U.S.C. § 102

Claims 2-8 and 10-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,665,565 to *Odom* (hereafter "*Odom*"). Claim 2 has been canceled.

For a reference to anticipate a claimed invention, the reference must disclose every aspect of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 2. Claim 2 is canceled without prejudice or disclaimer as its limitations are incorporated into amended Claim 3 rewritten into independent form to put it in condition for allowance.

Claim 3. Claim 3 has been rewritten in independent for to incorporate the limitations of Claim 2. Amended Claim 3 now contains the first and second attachment features (as recited in canceled Claim 2) and a first location feature on a

glove surface area above a palm surface of the first hand inserted into the first golf glove, the first location feature for locating a shaft of the golf club to the palm surface of the first hand when the golfer grips the golf club.

The Examiner states that item 28 on the first glove of *Odom* in Fig. 1 is considered as the first location feature for locating the golf club to the golf club shaft and cites Fig. 3 as depicting this relationship. The Applicant respectfully asserts that *Odom* describes item 28 as a fastener strip. For item 28 to have locating functionality there would have to be a mating feature on golf club 40 to which it is fastened. Golf club 40 in Fig. 3 has no such mating locating feature. *Odom* does not show any feature on golf club 40 that interacts with feature item 28 that would serve to locate the palm surface of the first hand (when in golf glove 10) to golf club 40. Item 28, cited by the Examiner, is shown in Fig. 3 to operate with fastener strips 30, 32 and 26a and not with any location feature on golf club 40. *Odom* states, in column 3, lines 4-12, specifically that a right handed "golfer's left hand is positioned around the golf club 40 so that the fastener strips 30, 32, and 26a engage fastener strip 28 on the golfer's left hand as illustrated by arrow 50." Nowhere does *Odom* describe fastener strip 28 as a location feature for locating a shaft of the golf club 40 to the palm surface of the first hand when the golfer grips the golf club 40 as recited in Claim 3 of the present invention.

The invention of *Odom* describes a fastener strip 28 that serves to mate with fastener strips 30, 32, and 26a on the middle, ring and little fingers respectively in one case and with the fastener strip 34 in the other case. Since the *Odom* and the Examiner state that gloves 10 and 10' are mirror images, feature 28 must be positioned in the same place on both gloves. Thus, it is not possible for this single feature 28 to be correctly positioned to serve to engage fastener strips 30, 32, and 26a on the middle, ring and index fingers when on glove on the left hand and to engage fastener strip 34 when on the right hand and to serve to locate the palm of the left hand to the shaft of golf club 40.

In the present invention, the locating feature on the first glove for locating a shaft of the golf club 40 to the palm surface of the first hand when the golfer grips the golf club is distinctly different from the second attachment feature on the second golf glove on a glove surface area above the palm surface of a second hand inserted into the second golf glove. The teaching aid of the present invention serves to assure the right handed golfer can locate his left hand palm surface to the shaft of the golf with one feature and locate his right hand relative to his left hand with a separate attachment feature that is distinctly different from the locating feature. This is not the case with the invention of *Odom*. In fact, a properly gripped golf club 40 using the mirror image golf gloves 10 and 10' of *Odom* would prevent attachment strip 28 from contacting the shaft of golf club 40 and thus attachment strip 28 could not serve as a location feature according to amended Claim 3 of the present invention.

Therefore, the Applicant respectfully asserts that the rejection of amended Claim 3 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments.

Claim 4. Claim 4 is dependent from amended Claim 3 and contains all the limitations of Claim 3. Claim 4 adds the limitation that the first golf glove has a third attachment feature on a glove surface area above and adjacent to a top surface of an index finger of said first hand when inserted into said first golf glove.

The Examiner states that item 36 on the first glove as shown in Fig. 2 is considered the third attachment feature. *Odom* states that fastener strip 36 is "secured along the back side of the first and second finger junction 20 and 30. The fastener strip 36 preferably also extends along the back side of the middle glove finger 22 so that fastener strip 36 is V-shaped."

In contrast Claim 4 recites that the first golf glove has a third attachment feature on a glove surface area above and adjacent to a top surface of an index finger of said first hand when inserted into said first golf glove. Fastener strip 36 of *Odom* has too much Velcro to operate as a teaching aid to ensure that a golfer positions his

hands within tight limitations. Nowhere does Claim 4 state that the third attachment feature is V-shaped and extends along the backside of the index finger to and along the back side of the middle finger. Claim 4 does not want such an indefinite area for the third attachment feature as provided by fastener strip 36 of *Odom*. Since the golf gloves 10 and 10' of *Odom* have attachment features 30, 32, and 26a, any of these features could engage fastener strip 36 causing the golfer to suffer an incorrect grip and defeat the purpose of the invention of Claim 4.

Therefore, the Applicant respectfully asserts that the rejection of Claim 4 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments and for the same reasons as Claim 3.

Claim 5. Claim 5 is dependent from Claim 4 and contains all the limitations of Claim 4. Claim 5 adds the limitation that the second golf glove has a fourth attachment feature on a glove surface area above and adjacent to a palm surface of a little finger of the second hand inserted into the second golf glove.

The Examiner states that *Odom* discloses Claim 5 and states that item 26a (in Fig. 3), that is present on both the first and second gloves, is considered a fourth attachment that is above and adjacent to a palm surface of a little finger of the second. The invention of *Odom* describes a fastener strip 28 that serves to mate with fastener strip 26a on the little finger in one case and with the fastener strip 36 in the other case. Since the *Odom* and the Examiner state that gloves 10 and 10' are mirror images, feature 26a must be positioned in the same place on both gloves 10 and 10'. In fact, *Odom* states that the three fastener strips 30, 32, and 26a are attached to middle, ring, and little fingers respectively, adjacent to their outer ends and preferably extend around the ends of the middle glove finger 22, ring glove finger 24 and little finger 26 as shown in Fig. 2. For item 26a to engage attachment feature 28 it has to be on the end of the little finger. If attachment feature 26a was on a glove surface area above and adjacent to a palm surface of a little finger of the left hand inserted into the left golf glove as recited in Claim 5, it could not engage item 28. According to *Odom*, glove 10 and 10' are mirror images and the position of 26a on the left glove

is the same as on the right glove, therefore, the functionality of item 26a on the left hand, when designed to engage feature 28 on the left, is compromised when it is used on the right hand to engage feature 36 on the left hand.

The invention of Claim 5 does not engage only the tip of the little finger in overlapping or interlocking the little finger of the right hand when gripping a golf club. This is why the fourth attachment element, recited in Claim 5, is on a glove surface area above and adjacent to a palm surface of a little finger of the second hand inserted into the second golf glove and not only on the tip of the little finger as recited by *Odom*.

Therefore, the Applicant respectfully asserts that the rejection of Claim 5 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments and for the same reasons as Claims 3 and 4.

Claim 6. Claim 6 is dependent from Claim 5 and contains all the limitations of Claims 2-5. Claim 6 adds the limitation that the third attachment feature couples to and is retained by the fourth attachment feature when the little finger overlays the index finger as the second hand inserted in the second golf glove overlays the first hand inserted in the first golf glove while gripping a golf club.

The Examiner states that *Odom's* device is inherently capable of performing the stated function (of Claim 6). The Applicant has shown that the first and second golf gloves of Claims 2-5 are not the same as the mirror image golf gloves 10 and 10' disclosed by *Odom*. Therefore, the functionality recited in Claim 6 cannot have the same functionality as disclosed by *Odom* as the elements involved in the functionality are not the same and therefore cannot have the same relationship.

Therefore, the Applicant respectfully asserts that the rejection of Claim 6 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments.

Claim 7. Claim 7 is rewritten to correctly depend from amended Claim 3 and contains all the limitations of amended Claim 3. Amended Claim 7 adds the limitation that the first and second attachment features are mating elements selected from a group consisting of a hook and loop attachment system, a magnetic attachment system, or a selective, separable adhesive based attachment system.

The Examiner states that *Odom* discloses attachment features consisting of a hook and loop attachment system. The Examiner states that *Odom* shows a first glove (10) having a first attachment feature (34) on a glove surface area above the thumb (see Fig. 2). *Odom* discloses a second attachment feature (28) on the second glove (10'); and wherein the first and second attachments are mated in use (see Fig. 4). The Examiner states that *Odom* specifically points out that the left and right hand gloves (of *Odom*) illustrated in Figs. 1 and 2 are mirror images of each other (column 2, lines 31-39).

Since the Applicant has shown that *Odom* does not anticipate amended Claim 3, the Applicant respectfully asserts that *Odom* further does not anticipate amended Claim 7.

Therefore, the Applicant respectfully asserts that the rejection of amended Claim 7 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments.

Claim 8. Claim 8 is dependent from Claim 5 and contains all the limitations of Claim 5. Claim 8 adds the limitation that the third and fourth attachment features are mating elements selected from a group consisting of a hook and loop attachment system, a magnetic attachment system, or a selective, separable adhesive based attachment system.

The Applicant has shown relative to Claim 5 that the fourth attachment feature of Claim 5 is not the same as item 26a of *Odom*. The Applicant is not claiming a simple hook and loop attachment system rather the Applicant is claiming the specific first and second golf gloves with first and second hook and loop attachment features.

Therefore, the Applicant respectfully asserts that the rejection of Claim 8 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments and for the same reasons as Claim 5.

Claims 10-20. Claims 10-20 are directed to a method of teaching a golfer how to attain and maintain a correct golf grip on a golf club comprising the 4 steps. Amended Claim 10 and 13-14 have been amended to be consistent with the golf gloves of Claim 3 which are used in the method steps.

The Examiner states that Claims 10-20 are directed to the inherent method steps of using *Odom*'s device. *Odom* discloses two distinctly different embodiments one of which use a first golf glove and a "mirror image" second golf glove. The second embodiment uses only a single glove and a modified golf club shaft. The two embodiments of *Odom* are directed to golf gloves with different elements. The Examiner fails to point out which of the embodiments of *Odom* the Examiner believes teaches the method steps of Claims 10-20. The Applicant has shown that *Odom* does not disclose the invention of Claims 3 and Claims 4-9 depending therefrom either directly or indirectly. Since the Examiner fails to specifically address the method steps of Claims 10-20, the Examiner fails to make a *prima facie* case of anticipation relative to the reference *Odom*.

Further, the Applicant asserts that when the mirror image golf gloves 10 and 10' of *Odom* are used to grip a golf glove other elements (e.g., 28 and 26a, 30, and 32), not recited in the present invention, engage resulting in a failure to achieve a method of teaching a golfer how to attain and maintain a correct golf grip on a golf club as recited in Claims 10-20. Also, *Odom*'s golf gloves would result in inherent steps not recited in the invention of Claims 10-20.

Therefore, the Applicant respectfully asserts that the rejections of Claims 10-20 under 35 U.S.C. § 102(b) as being anticipated by *Odom* are traversed by the above arguments and for the same reasons as Claims 3-8.

IV. REJECTION UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 9, 12, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Odom* in view of Figs. 5-6 showing a different embodiment of *Odom*.

To establish a *prima facie* case of obviousness, the Examiner must meet three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations.

Claim 9. Claim 9 is dependent from amended Claim 3 and contains all the limitations of amended Claim 3. Claim 9 adds a golf club with a modified golf grip having a fifth attachment feature for selectively coupling to the first location feature to align the first hand inserted in the first golf glove when gripping the modified golf grip. Claim 9 includes both the first and second golf gloves with the first and second attachment features and the first location feature.

The Examiner states that the embodiment of *Odom* shown in Figs. 1-4 does not show the specific limitations of the fifth attachment element recited in Claim 9. Figs. 5-6 of *Odom* only show one golf glove 50 that has only one attachment feature 46 that covers the entire surface areas of the palm, fingers 52, and thumb 54 of glove 50. Fig 5 shows a golf club 40 with a grip 42. *Odom* states, but does not show in Figs. 5 or 6, that "the palm fastener (pile) 44 and 46 mesh thereby securely, but detachably, locking the golf glove 50 to the golf club grip 42." As depicted in Figs. 5 and 6, golf glove 50 attaches to golf grip 42 (with pile 44) anywhere and in anyway the golfer happens to grasp golf club 40 with glove 50. Nowhere does *Odom* teach or suggest "a fifth attachment feature for selectively coupling to the first location feature to align the first hand inserted in the first golf glove when gripping the modified golf grip as recited in Claim 9.

Therefore, the Applicant respectfully asserts that the rejection of Claim 9 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments.

Claim 12. Claim 12 is dependent from Claim 11 and contains all the limitations of Claim 11 including the steps of amended Claim 10. Claim 12 adds the step of contacting a golf ball with a surface of the head of said golf club during said swinging step. Some golf teaching aids do not include using the aid to contact a golf ball. The method of Claim 12 includes all the steps of amended Claims 10 and Claim 11 for attaining a proper grip using the golf gloves of the present invention with the addition that the golf club so properly gripped is used to contact a golf ball during swinging of the golf club.

The Applicant has shown that *Odom* does not inherently teach or suggest the method steps of amended Claims 10 and Claim 11 and thus does not teach or suggest the method of Claim 12.

Therefore, the Applicant respectfully asserts that the rejection of Claim 12 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments and for the same reasons as amended Claims 10 and Claim 11.

Claim 21. Claim 21 is dependent from Claim 17 and contains all the limitations of Claim 17. Claim 21 adds the step of swinging said golf club while keeping the first and second attachment features coupled, the third and fourth attachment features coupled, and the first location feature coupled to a fifth attachment feature on a grip of the golf club.

The Examiner states that Claim 21 is directed to the obvious method steps of using the device of *Odom*'s device. The Applicant has shown relative to Claims 3-9 that *Odom*'s device and the golf gloves of the present invention are not the same. Specifically the third, fourth, and fifth attachment features as recited in Claims 3-9 are not taught in the invention of *Odom*, therefore, the Applicant respectfully asserts

that a method of swinging a golf club while keeping attachment features of the present invention engaged are not taught or suggested by *Odom*.

Therefore, the Applicant respectfully asserts that the rejection of Claim 21 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments and for the same reasons as Claims 10-17.

Claim 22. Claim 22 is dependent from Claim 21 and contains all the limitations of Claim 21. Claim 22 adds the step of contacting a golf ball with a surface of the head of said golf club during said swinging step. The Examiner states that Claim 22 is directed to the obvious method steps of using the device of *Odom*'s device. The Applicant has shown relative to Claims 3-9 that *Odom*'s device and the golf gloves of the present invention are not the same. Specifically the third, fourth, and fifth attachment features as recited in Claims 3-9 are not taught in the invention of *Odom*, thus, the Applicant respectfully asserts that a method of swinging a golf club and contacting a golf ball while keeping attachment features of the present invention engaged are not taught or suggested by *Odom*.

Therefore, the Applicant respectfully asserts that the rejection of Claim 22 under 35 U.S.C. § 102(b) as being anticipated by *Odom* is traversed by the above arguments and for the same reasons as Claims 21, and 10-17.

V. **CONCLUSION**

Claim 2 is canceled without prejudice or disclaimer.

Claims 3-22 are pending.

The Applicant has traversed the rejections of Claims 3-8, 10-20 under 35 U.S.C. § 102(b) as being anticipated by *Odom*.

The Applicant has traversed the rejections of Claims 9, 12 and 21-22 under 35 U.S.C. § 103(a) as being obvious over by *Odom*.

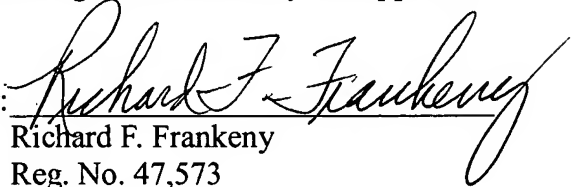
The Applicant, therefore, respectfully asserts that Claims 3-22 are in condition for allowance and request an early allowance of these claims.

Applicant respectfully request that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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